

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOSEPH E. WASHINGTON	:	CIVIL ACTION
	:	
v.	:	
	:	
PENNSYLVANIA BOARD OF PROBATION	:	
AND PAROLE, <u>et al.</u>	:	NO. 06-4389

M E M O R A N D U M

JOYNER, J. NOVEMBER , 2006

Plaintiff, an inmate at SCI-Coal Township, is seeking to bring a civil action without prepayment of fees. In his complaint, plaintiff alleges that his constitutional rights were violated by the Pennsylvania Board of Probation and Parole.

Pursuant to 28 U.S.C. § 1915(g), a prisoner who on three or more prior occasions while incarcerated has filed an action in a federal court that was dismissed as frivolous, malicious, or for failure to state a claim upon which relief may be granted, must be denied in forma pauperis status unless he was in imminent danger of serious physical injury at the time that the complaint was filed. Abdul-Akbar v. McKelvie, 239 F.3d 307 (3d Cir.), cert. denied, 533 U.S. 953 (2001).

Plaintiff has, prior to the instant action, filed two civil rights actions in this Court which were dismissed as frivolous, and one that was dismissed for failure to state a claim upon which relief may be granted.<sup>1</sup> Furthermore, nothing in

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1. Civil Action No. 96-2739 was dismissed as frivolous by order of this Court dated June 13, 1996. Civil Action No. 96-0879 was dismissed for failure to state a claim upon which relief may be  
(continued...)

this complaint suggests that plaintiff was in imminent danger of serious physical injury at the time that the complaint was filed.

Accordingly, plaintiff's motion to proceed in forma pauperis will be denied. An appropriate order follows.

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1. (...continued)  
granted by order of this Court dated June 28, 1996. Civil Action No. 96-0608 was dismissed as frivolous by order of this Court dated February 1, 1996.

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O R D E R

AND NOW, this            day of November, 2006, in  
accordance with the accompanying memorandum, **IT IS HEREBY ORDERED**  
that plaintiff's motion for leave to proceed in forma pauperis is  
**DENIED** pursuant to 28 U.S.C. § 1915(g).

The Clerk of Court shall **CLOSE** this case statistically.

BY THE COURT:

/S/ J. CURTIS JOYNER, J. \_\_\_\_\_

